

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Team # 1	CCRB Case #: 201402441	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/11/2014 11:00 PM	Location of Incident: 2881 West 24th Street; 60th Precinct stationhouse	Precinct: 60	18 Mo. SOL 9/11/2015	EO SOL 9/11/2015	
Date/Time CV Reported Thu, 03/13/2014 2:51 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/13/2014 2:51 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Jonathan Baez	05116	948636	060 PCT
3. SGT Eric Curcio	00461	926725	060 PCT
4. Officers			
5. POM John Dasaro	26709	948198	060 PCT
6. POM Mobeen Yasin	26696	948285	060 PCT
7. POM Michael Giudice	13041	920334	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Baez	Abuse: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez stopped § 87(2)(b)	
B.POM Mobeen Yasin	Abuse: At 2881 West 24th Street in Brooklyn, PO Mobeen Yasin stopped § 87(2)(b)	
C.POM Jonathan Baez	Abuse: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez frisked § 87(2)(b)	
D.POM Jonathan Baez	Abuse: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez searched § 87(2)(b)	
E.POM Mobeen Yasin	Discourtesy: At 2881 West 24th Street in Brooklyn, PO Mobeen Yasin spoke discourteously to § 87(2)(b)	
F. An officer	Discourtesy: At 2881 West 24th Street in Brooklyn, an officer spoke discourteously to an individual.	
G. An officer	Abuse: At 2881 West 24th Street in Brooklyn, an officer threatened to arrest an individual.	
H.SGT Eric Curcio	Abuse: At the 60th Precinct stationhouse, Sgt. Eric Curcio authorized the strip search of § 87(2)(b)	
I.POM John Dasaro	Force: At the 60th Precinct stationhouse, PO John Dasaro used a chokehold on § 87(2)(b)	
J.POM John Dasaro	Force: At the 60th Precinct stationhouse, PO John Dasaro restricted the breathing of § 87(2)(b)	
K.POM John Dasaro	Discourtesy: At the 60th Precinct stationhouse, PO John Dasaro spoke discourteously to § 87(2)(b)	
L.POM John Dasaro	Abuse: At the 60th Precinct stationhouse, PO John Dasaro threatened § 87(2)(b) with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
M.POM John Dasaro	Off. Language: At the 60th Precinct stationhouse, PO John Dasaro made remarks based upon § 87(2)(b) s race.	
N. An officer	Off. Language: At the 60th Precinct stationhouse, an officer made remarks based upon § 87(2)(b) s race.	
O. Officers	Discourtesy: At the 60th Precinct stationhouse, officers spoke discourteously to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On March 11, 2014, at approximately 11:00 p.m., § 87(2)(b) exited the rear of 2881 West 24th Street in Brooklyn. PO Jonathan Baez and PO Mobeen Yasin of the 60th Precinct allegedly stopped § 87(2)(b) (**Allegations A, B**). PO Baez also searched and frisked § 87(2)(b) (**Allegation C, D**). PO Mobeen Yasin of the 60th Precinct allegedly told § 87(2)(b) to “shut the fuck up” (**Allegation E**). An officer who § 87(2)(b) could not see told his female friend, § 87(2)(b) known as § 87(2)(b) to “get the fuck out of here” or she would be arrested (**Allegations F, G**).

§ 87(2)(b) was handcuffed and transported to the 60th Precinct stationhouse, where Sgt. Eric Curcio of the 60th Precinct authorized a strip search (**Allegation H**). PO John Dasaro of the 60th Precinct allegedly grabbed the front of § 87(2)(b)'s throat and said, “Shut the fuck up before I kill you” (**Allegation I, J, K, L**). PO Dasaro and an unidentified officer allegedly called § 87(2)(b) an asshole, a prick, a bastard, and a nigger (**Allegation M, N**). Multiple officers made statements that included, “We know you got this shit. Take the shit out your ass so we don’t have to fucking go in there and get it” (**Allegation O**). § 87(4-b) § 87(2)(g)

§ 87(2)(b) was charged with § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Mediation, Civil and Criminal Histories

Mediation was ineligible because § 87(2)(b) was arrested, § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b)
(encl. L2-26). Notice of Claim search results are pending (encl. N4).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. B6).
- PO Baez has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. B1). This is the first complaint filed against him.
- PO Yasin and PO Dasaro have been members of the service for 5 years and there are no substantiated CCRB allegations against them (encl. B2, 4).
- Sgt. Curcio has been a member of the service for 14 years and there are no substantiated CCRB allegations against him (encl. B3). This is the first complaint filed against him.
- PO Guidice has been a member of the service for 17 years and there are no substantiated CCRB allegations against him (encl. B5).

Findings and Recommendations

Explanation of Subject Officer Identification

PO Baez, PO Yasin, and PO Dasaro admitted to interacting with § 87(2)(b) during this incident (encl. F1-F11, H1-H5, I1-I5). Sgt. Curcio acknowledged that he authorized § 87(2)(b) to be strip searched (encl. G4).

The officer who spoke discourteously to the individual known as § 87(2)(b) and threatened to arrest her remains unidentified. § 87(2)(b) did not see who made those statements and he did not know § 87(2)(b) full name or contact information (encl. E3). § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) alleged that the two officers who performed the strip search used offensive language. § 87(2)(b) also alleged that the two police officers who performed the strip search were the same two officers who arrived later at the scene of the arrest (encl. E2-E5). PO Dasaro admitted to performing the strip search. PO Baez confirmed that PO Dasaro performed the strip search in his memo book (encl. I1-I5, F1-F3). § 87(2)(g)

PO Dasaro stated that he and PO Yasin were present for the strip search. PO Yasin also admitted to being present (encl. H1-H5). However, § 87(2)(b) stated that the police officers who arrested him, PO Yasin and PO Baez, were not the officers who strip searched him (encl. E3). PO Dasaro's partner, PO Guidice, stated that he was not present for the strip search (encl. J1-J5). Sgt. Curcio, who also arrived at the scene of the arrest at the same time as PO Dasaro and PO Guidice, did not match the physical description of either officer allegedly present during the strip search and he denied being present for the strip search (encl. E3). PO Yasin also denied the sergeant was present for the strip search (encl. H1-H5, G1-G4). PO Dasaro only stated that Sgt. Curcio was in the vicinity while he and PO Yasin performed the strip search (encl. H5). § 87(2)(g)

§ 87(2)(g)

- **Allegation A – Abuse of Authority: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez stopped** § 87(2)(b)
- **Allegation B- Abuse of Authority: At 2881 West 24th Street in Brooklyn, PO Mobeen Yasin stopped** § 87(2)(b)
- **Allegation C – Abuse of Authority: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez frisked** § 87(2)(b)
- **Allegation D – Abuse of Authority: At 2881 West 24th Street in Brooklyn, PO Jonathan Baez searched** § 87(2)(b)

§ 87(2)(b) stated that after exiting the rear of 2881 West 24th Street, PO Baez and PO Yasin grabbed § 87(2)(b)'s arms and placed them behind his back. PO Baez patted the exterior of § 87(2)(b)'s pants pockets and waist, then placed his hands into § 87(2)(b)'s pants pockets and removed his cell phone and cash. PO Baez lifted up § 87(2)(b)'s shirt and unbuckled his belt. PO Baez held onto § 87(2)(b)'s underwear band and shook it while looking inside. PO Baez placed his hands through the front pocket of § 87(2)(b)'s underwear. PO Baez removed § 87(2)(b)'s sneakers and removed the insole. Nothing was recovered. PO Baez looked around the ground and picked up a one to two-inch square, clear, plastic bag that was fogged with a white residue; § 87(2)(b) could not see if there were any contents in the bag. It was at that point § 87(2)(b) was handcuffed. There was no other civilian present (encl. E1-E5).

PO Baez stated that he and PO Yasin were traveling on West 24th Street from Mermaid Avenue towards Neptune Avenue. PO Baez smelled a strong odor of marijuana and he saw an unidentified individual, standing by the rear of 2879 West 24th Street. PO Baez did not see if the person was smoking anything. There were no other individuals in the area, and PO Baez suspected that the person was smoking marijuana. PO Baez and PO Yasin parked their car and

walked towards the person with the intention of investigating the possible presence of marijuana. As PO Baez and PO Yasin walked towards the person, § 87(2)(b) exited from a building four to five feet away. § 87(2)(b) held a small, clear but clouded white plastic bag in his right hand. Upon seeing the officers, § 87(2)(b) dropped the bag on the ground. PO Baez picked up the plastic bag and saw that it contained a white powdery substance or residue. PO Baez believed that the bag contained MDMA because the packaging was typically used in holding narcotics and he recognized the narcotics because of his training and experience in making narcotics-related arrests. At that moment, § 87(2)(b) was under arrest for § 87(2)(b) and was handcuffed. PO Baez searched § 87(2)(b) placing his hands in all of § 87(2)(b)'s pants pockets and waistband. In § 87(2)(b)'s front right pants pocket, PO Baez recovered one green pill, which he believed was ecstasy, another form of MDMA, based on his training and experience in making narcotics-related arrests. § 87(2)(b) told PO Baez that the bag contained “molly,” the nickname for MDMA. However, § 87(2)(b) told PO Baez that the pill was Viagra (encl. F10).

PO Yasin stated that he and PO Baez saw § 87(2)(b) in the rear of 2881 West 24th Street, holding a clear, 2x2 inch ziplock bag containing a white, powdery residue that PO Yasin believed was crack cocaine, based on his training and experience in making narcotics-related arrests. PO Yasin did not recall where exactly he was or what he was doing when he made this observation. PO Yasin did not recall if there was another civilian in the immediate area. He did not recall if he or PO Baez approached or interacted with another individual immediately prior to approaching § 87(2)(b). PO Baez and PO Yasin approached § 87(2)(b) with the immediate intention of arresting him for the narcotic he had in his right hand (encl. H5).

§ 87(2)(g)

• **Allegation E – Discourtesy: At 2881 West 24th Street in Brooklyn, PO Mobeen Yasin spoke discourteously to § 87(2)(b)**

§ 87(2)(b) said that while being handcuffed, PO Yasin allegedly told him, “Shut the fuck up and stop talking (encl. E2-E5).” PO Yasin denied making this remark, and PO Baez did not hear him do so (encl. F1-F11, H1-H5). § 87(2)(g)

• **Allegation F – Discourtesy: At 2881 West 24th Street in Brooklyn, an officer spoke discourteously to § 87(2)(b)**

• **Allegation G – Abuse of Authority: At 2881 West 24th Street in Brooklyn, an officer threatened to arrest § 87(2)(b)**

§ 87(2)(b) said that an officer who he could not see told a female friend of his, § 87(2)(b) known as § 87(2)(b) who was walking by, to “get the fuck out of here” before they “locked [her] up.” § 87(2)(b) did not know her full name or contact information (encl. E2-E5). There is no police record documenting this interaction, and officers interviewed did not admit to speaking to a civilian other than § 87(2)(b) § 87(2)(g)

- **Allegation H – Abuse of Authority: At the 60th Precinct stationhouse, Sgt. Eric Curcio authorized the strip search of § 87(2)(b)**

It is undisputed that § 87(2)(b) was strip searched at the 60th Precinct stationhouse.

PO Dasaro said that at the front desk, he frisked and searched § 87(2)(b) and nothing was recovered. § 87(2)(b) who was in handcuffs, moved his hands behind his back and pulled and pushed his pants' rear waistband and lower back area. PO Dasaro arrested § 87(2)(b) approximately ten months ago for a narcotics-related offense. In another instance, an officer who he did not recall arrested § 87(2)(b) and discovered that he concealed drugs in his rectum. Based on § 87(2)(b)'s movements at the front desk and prior arrest history, PO Dasaro suspected that § 87(2)(b) may have been concealing additional drugs; there were no other factors contributing to this suspicion. PO Dasaro told this information and of his suspicions to Sgt. Curcio (encl. I5).

Sgt. Curcio stated that he was informed by PO Dasaro that he arrested § 87(2)(b) earlier in the year for a narcotics-related offense and that he was known to put drugs in his underwear and groin area. Sgt. Curcio authorized the strip search because § 87(2)(b) was arrested for § 87(2)(b) and because of the information PO Dasaro provided regarding his previous arrest (encl. G4).

Patrol Guide 208-05 states that a strip search may be authorized when there is a reasonable suspicion that the individual is concealing contraband. Other factors should be considered in determining the appropriateness of a strip search, including the nature of the crime, arrest circumstances, and the subject's reputation (encl. A1-3).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(g)

- **Allegation I – Force: At the 60th Precinct stationhouse, PO John Dasaro used a chokehold on § 87(2)(b)**
- **Allegation J – Force: At the 60th Precinct stationhouse, PO John Dasaro restricted the breathing of § 87(2)(b)**
- **Allegation K – Discourtesy: At the 60th Precinct stationhouse, PO John Dasaro spoke discourteously to § 87(2)(b)**
- **Allegation L – Abuse of Authority: At the 60th Precinct stationhouse, PO John Dasaro threatened § 87(2)(b) with the use of force.**
- **Allegation M – Offensive Language: At the 60th Precinct stationhouse, PO John Dasaro made remarks based upon § 87(2)(b)'s race.**

§ 87(2)(b) stated that in the midst of being strip searched, PO Dasaro grabbed the front of § 87(2)(b)'s throat and said, "Shut the fuck up before I kill you." PO Dasaro held § 87(2)(b)'s throat for approximately thirty seconds, during which time § 87(2)(b) could not breathe. PO Dasaro allegedly called § 87(2)(b) an asshole, a prick, a bastard, and a nigger (encl. E3).

PO Dasaro and PO Yasin denied the allegations. Sgt. Curcio did not recall observing the strip search or see an officer commit said allegations and PO Guidice denied seeing these

allegations occur. § 87(2)(g) [REDACTED]
[REDACTED].

- **Allegation N – Offensive Language:** At the 60th Precinct stationhouse, An officer made remarks based upon § 87(2)(b) [REDACTED] s race.
- **Allegation O – Discourtesy:** At the 60th Precinct stationhouse, officers spoke discourteously to § 87(2)(b) [REDACTED]

§ 87(2)(b) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
(g) [REDACTED]
[REDACTED].

- § 87(4-b) § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date